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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,632	03/14/2001	Elaine Scott Mason	COS99039	3006

25537 7590 11/13/2006

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EXAMINER

GREIMEL, JOCELYN

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,632

Applicant(s)

MASON, ELAINE SCOTT

Examiner

Jocelyn Greimel

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office Action in response to the communication filed by Applicant on June 15, 2006. Claims 1-48 are pending in the application.

Response to Amendment

2. Applicant's arguments regarding:

- (1) "selectively receiving a payment... in advance of the invoice date"
- (2) "calculating a discount amount based upon the invoice amount"
- (3) "calculating another discount amount based upon another percentage of the invoice amount"

of claims 1-42 have been considered but found not persuasive.

3. Issue no. (1): Applicant's argue: Kitchen or Pay and Save alone or in combination do not teach selectively receiving a payment input that authorizes a payment according to the calculated discount amount in advance of the invoice date as recited in the claims. Response: The Examiner is entitled to give the claim limitations their broadest reasonable interpretation in light of the Specification (see below):

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4. The combination of Kitchen and Pay and Save disclose a system receiving a payment according to a calculated discount **and this payment is received in advance of the invoice date** (Kitchen: col. 8, line 63 – col. 9, line 8; col. 12, lines 16-48. Pay and Save: lines 4-7). Conclusion: Under their broadest reasonable interpretation in light of the Specification, the claims are taught and no inventive concept is found. Applicant's are respectfully requested to point out to the Examiner which claim limitations in the claims are considered to be the inventive concept because the inventive concept can not be determined from the claim limitations as written.

5. Issue no. (2): Applicant's argue: Kitchen or Pay and Save alone or in combination do not teach calculating a discount amount based upon the invoice amount as recited in the claims. Response: The Examiner is entitled to give the claim limitations their broadest reasonable interpretation in light of the Specification (see below):

6. The combination of Kitchen and Pay and Save disclose a system **receiving a payment according to a calculated discount** and this payment is received in advance of the invoice date (Kitchen: col. 8, line 63 – col. 9, line 8; col. 12, lines 16-48. Pay and Save: lines 4-7). Conclusion: Under their broadest reasonable interpretation in light of the Specification, the claims are taught and no inventive concept is found. Applicant's are respectfully requested to point out to the Examiner which claim limitations in the

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claims are considered to be the inventive concept because the inventive concept can not be determined from the claim limitations as written.

7. Issue no. (3): Applicant's argue: Kitchen or Pay and Save alone or in combination do not teach calculating another discount amount based upon another percentage of the invoice amount as recited in the claims. Response: The Examiner is entitled to give the claim limitations their broadest reasonable interpretation in light of the Specification (see below):

8. The combination of Kitchen and Pay and Save disclose a system **receiving a payment** according to a calculated discount and this payment is received in advance of the invoice date (Kitchen: col. 8, line 63 – col. 9, line 8; col. 12, lines 16-48. Pay and Save: lines 4-7). Conclusion: Under their broadest reasonable interpretation in light of the Specification, the claims are taught and no inventive concept is found. Applicant's claim is a repeat of the process evaluated in Issue no. (1) and Issue no. (2) above and is evaluated using the same reference. Applicant's are respectfully requested to point out to the Examiner which claim limitations in the claims are considered to be the inventive concept because the inventive concept can not be determined from the claim limitations as written.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached at (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
August 21, 2006

JAMES P. TRAMMEL
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